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NEW YORK, NY 10022

In Re Application of :
DALLE et al. :
Application No.: 10/517,643 : DECISION
PCT No.: PCT/FR03/02979 :
Int. Filing Date: 09 October 2003 :
Priority Date: 10 October 2002 :
Attorney Docket No.: MART0840US :
For: FLUID CONNECTOR FOR MEDICAL USES :
AND USES THEREOF :

This is a decision on applicant's "COMMUNICATION" filed in the United States Patent and Trademark Office (USPTO) on 27 May 2005.

On 09 October 2003, applicant filed international application No. PCT/FR03/02979 which claimed a priority date of 10 October 2002 and which designated the United States. Thereafter, on 09 December 2004, before the expiration of the thirty month period, applicant filed, *inter alia*, a transmittal letter for entry into the national stage and the basic national stage filing fee. Applicant also filed an executed French language declaration under PCT Rule 4.17.

On 18 May 2005, a Notification of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) incorrectly indicating a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 09 December 2004. No Notification of Missing Requirements (Form PCT/DO/EO/905) was issued.

Applicant urges that the Form PCT/DO/EO/903 be vacated and that a Notification of Missing Requirements be issued indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.

A review of the application in the USPTO's Image File Wrapper (IFW) file confirms that the executed French language declaration was submitted on 09 December 2004, which does not comply with 37 CFR 1.497(a) & (b) and 1.52(b)(1)(ii).

37 CFR 1.52(b)(1)(ii) states, in pertinent part, that the application (specification, including the claims, drawings, and oath or declaration) must be in the English language or be accompanied by a translation.

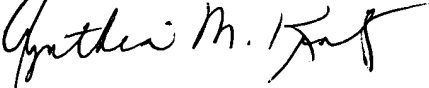
The Notification of Acceptance mailed on 18 May 2005 was erroneously issued.

CONCLUSION

For the reasons set forth above, applicant's request to vacate the Notification of Acceptance is **GRANTED**.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 18 May 2005 is hereby **VACATED**, because it incorrectly indicates a 35 U.S.C. 371(c) (1), (c)(2) and (c)(4) date of 09 December 2004.

The application will be forwarded to the United States Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) is required.


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